

THE HONORABLE _____

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PARLER, LLC,

Plaintiff,

vs.

AMAZON WEB SERVICES, INC., and
AMAZON.COM, INC.,

Defendants.

Case No. 21-cv-00270

DECLARATION OF ANGELO J.
CALFO IN SUPPORT OF PLAINTIFF'S
MOTION FOR REMAND OR IN THE
ALTERNATIVE FOR DISMISSAL
WITHOUT PREJUDICE

NOTE ON MOTION CALENDAR:
March 26, 2021
Without Oral Argument

I, Angelo J. Calfo, declare and say:

1. I am a practicing attorney in the State of Washington and a partner with Calfo Eakes LLP. Calfo Eakes represents plaintiff Parler LLC in this matter. I am competent to testify and have personal knowledge of the following.

2. On February 13, 2021, Parler engaged Calfo Eakes in relation to its claims against Amazon.com, Inc. and Amazon Web Services, Inc. ("Defendants"). At the time Calfo Eakes was

1 engaged, a complaint by Parler alleging federal and state claims had been filed in this Court (the
2 “Federal Action”) and a motion for an injunction had been brought and denied.

3 3. Working with Parler’s legal team, Calfo Eakes analyzed information relating to
4 Parler’s potential claims against Defendants, including the pleadings in the Federal Action, and
5 determined that it would be appropriate for Parler to focus on its state-based remedies in
6 Washington state court following state procedures. The complaint ultimately filed in state court
7 contains several state law claims not included in the Federal Action. It also names an additional
8 defendant, Amazon.com, Inc. (Both the original defendant, AWS, and the new defendant,
9 Amazon.com, Inc. are forum defendants.)

10 4. AWS’ contract with Parler specifically provides Parler with the right to file in King
11 County Superior Court. *See* Exhibit 1 (attached hereto) at ¶ 14. Also, Washington law is specified
12 as the governing law under the contract. *Id.*

13 5. As a result, Parler prepared and filed a complaint bringing solely Washington state-
14 based claims against Defendants (the “State Complaint”) and filed it at approximately 4:27 pm on
15 March 2, 2021. Later that evening, Parler’s other counsel, Mr. Groesbeck, filed a notice of
16 voluntary dismissal, without prejudice, of the Federal Action.

17 6. After filing the State Complaint and notice of voluntary dismissal, Mr. Groesbeck
18 notified Defendants’ counsel via email that we had dismissed the Federal Action and filed the State
19 Complaint, as a professional courtesy. Mr. Groesbeck provided Defendants’ counsel with the state
20 court cause number.

21 7. We were not able to serve the State Complaint on Defendants at the time Parler
22 filed it, because we contacted Defendants’ registered agent, which is located in Tumwater,
23 Washington, and learned that it closed its offices at 3:00 pm that day. However, at the time of
24 filing the State Complaint, Calfo Eakes made arrangements with a process server to have the State
25 Complaint and summons served on Defendants the following day, March 3, 2021.

I declare under perjury of penalty under the laws of the State of Washington and the United States that the foregoing is true and correct.

By s/Angelo Calfo
Angelo J. Calfo, WSBA# 27079